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UNCLAS SECTION 01 OF 02 SANTO DOMINGO 006166

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SENSITIVE

DEPT FOR WHA/CAR (MCISAAC), WHA/PPC (FALLS), G/TIP
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SUBJECT: DOMINICAN REPUBLIC ANTI-TIP ACTIVITIES SINCE
PASSAGE OF NEW LAW

REF: A. SANTO DOMINGO 5946

B. SANTO DOMINGO 4763

C. SANTO DOMINGO 4090

SUMMARY

1. (U) Since passing a comprehensive law against trafficking in persons (TIP) and alien smuggling in August, the GODR has taken steps to prevent trafficking, protect victims and prosecute offenders. New legislation provided impetus for action by government officials, civil society and international organizations. Local press continues to spotlight trafficking-related stories, with special emphasis on the recently passed legislation and cases involving sexual exploitation of minors who might be trafficking victims. The Secretariat of Foreign Relations, National Police, and other

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official entities are communicating better and exchanging information. This increased cooperation recently led to the swift arrests of accused traffickers of Dominican girls to Haiti. End Summary.

GOVERNMENT MINISTRIES STEP UP TO THE PLATE

2. (U) Since passing a comprehensive law against trafficking in persons (TIP) and alien smuggling in August of 2003, the GODR has taken steps to prevent trafficking, protect victims and prosecute offenders. With leadership from the Director of Women's and Children's Issues, Ambassador Luisa "Chiqui" Vicioso, the Secretariat of Foreign Relations (MFA) has assumed a more active role in addressing TIP issues. Ambassador Vicioso's office organizes monthly meetings for a newly created "Network to Combat Trafficking in Persons and Smuggling," the first of which were held in September and October. The network includes the heads of the new specialized trafficking units at the National Police and the Attorney General's office and reps from the Migration Directorate, the secretariats of the Armed Forces, Tourism, Labor, and Women, the National Council for Children and Adolescents (CONANI), NGOs and international organizations. Network members share updates on their activities and suggestions for next steps. During the October meeting, the MFA reported sharing a tip with the National Police anti-TIP unit on a suspected trafficker of Dominican girls to Haiti, who consequently was arrested less than 24 hours after the notification.

3. (U) The Secretariat of Tourism is combatting TIP with 115 inspectors who monitor the industry for human rights abuses. The secretariat has improved its collaboration with international contacts, especially in destination countries, to investigate trafficking rings that promote the Dominican Republic for sex tourism. This collaboration led to the recent discovery of at least three Internet trafficking rings that advertise small hotels in Sosua, a popular tourist beach town on the north coast. Prosecution of such crimes is difficult, because they typically involve foreigners organizing activities on the Internet from overseas to be carried out by local accomplices. The Tourism Secretariat also works closely with the National Hotel and Restaurants Association (ASONAHORES) to train hotel/resort staffs about trafficking and penalties. The secretariat also works with the International Labor Organization (ILO) on its recently launched program against commercial sexual exploitation in Boca Chica and Puerto Plata (see ref B).

NATIONAL POLICE ANTI-TIP UNIT IN PURSUIT

4. (U) The anti-TIP unit at the National Police was officially inaugurated August 20, with the announcement that Major Ramon Hernandez Peralta would be in charge of the unit. (Note: Post previously reported that Col. Jose Polanco would be in charge. Col. Polanco is actually in charge of the National Police Counterfeit Investigations Department, in the same building where the anti-TIP unit is physically located.

Major Hernandez Peralta reports to Col. Polanco. End Note.) Since official operations began, the Police anti-TIP unit has arrested at least 10 alleged alien smugglers (including a clergyman) and five alleged traffickers. The unit has a staff of 13. Currently, Counterfeit Investigations Departments countrywide send trafficking cases to the anti-TIP unit headquartered in Santo Domingo. There are plans to establish anti-TIP units in as many provinces as possible. Major Hernandez has established credibility within a relatively short period; he has responded quickly to tips provided by emboffs and the Foreign Secretariat. The unit also sends monthly activity reports to the Embassy, an effort that is welcomed.

ATTORNEY GENERAL'S ANTI-TIP UNIT WORKING HARD

15. (SBU) The anti-TIP unit at the Attorney General's office is also hard at work. Within the anti-TIP unit there is a specialized office to handle trafficked minors who are victims of commercial sexual exploitation. This office is staffed with 3 lawyers, 3 members of the Armed Forces and one member from the National Prosecutor's office. Crisalida Diaz, head of the commercial sexual exploitation office, told Poloff that although the general public is not aware the office exists, at least eight trafficking cases have been received and are under investigation. There also seems to be a difference of opinion regarding which law will be used to prosecute traffickers such as Guillermo Radhames "Ramos" Garcia (see ref A). According to Diaz, infractions that occurred prior to August 7 (when the anti-TIP law was signed by President Mejia) will be adjudicated based on pre-existing law. In an earlier separate meeting with poloffs, the Attorney General implied that the new law would be applied to the Garcia case. However, Diaz added that in some high profile cases where the crime warrants stricter penalties, the Supreme Court could intervene to apply the new law.

AND CIVIL SOCIETY IS ALSO INVOLVED...

16. (U) With assistance from USAID, local NGO Institutionalism and Justice Foundation (FINJUS) held seminars about the new anti-TIP law in October. The press widely covered these seminars, and in one instance included a lengthy interview with IOM Chief Juan Artola, who warned that the Dominican Republic could face Tier 3 sanctions from the United States next year if the GODR does not use the new law to prosecute public officials involved in trafficking. The press has also provided detailed coverage of developments regarding the case of Congressman Guillermo Radhames "Ramos" Garcia, who is free but scheduled for trial for alien smuggling charges.

COMMENT

17. (SBU) The GODR is addressing trafficking problems. Some public officials are clearly engaged, while others need more coaxing. Bureaus within the MFA, for example, will need to communicate better to address potential internal corruption by Dominican consular officials abroad. An ongoing challenge will be ensuring that key actors, including police officers, prosecutors and judges, are properly trained to implement and uphold the new law against trafficking and smuggling. As the economy continues to plunge, however, more Dominicans are likely to be victimized by traffickers and smugglers offering lucrative "job opportunities" in foreign countries.

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